HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 31032 OF 1997

DATE: 17.4.2007

Between:

P. Chinna Prasad, S/o Tippanna

…Petitioner

AND

1. Andhra Pradesh State Electricity Board represented by its Secretary, Vidyutsoudha, Hyderabad and two others.

….Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 31032 OF 1997

ORAL ORDER:

The action of the respondents in not considering the claim of the petitioner for appointment as a Sub-Engineer or in any other suitable vacancy is questioned in this Writ Petition, as arbitrary and illegal and contrary to memo dated 19.4.1997 issued in terms of the orders of Division Bench in W.P.No. 6415 of 1989 dated 30.6.1996 and a consequential direction is sought to the respondents to appoint the petitioner in the existing vacancies of Sub-Engineer on the basis of his qualifications.

The petitioner claims to be a qualified diploma holder in Electrical Engineering. He contends that certain apprentices had approached this Court, in Writ Petition No. 6415 of 1989, seeking absorption and that the Division Bench, while allowing the Writ Petition, had directed the respondents to absorb their services in the Board in the existing vacancies. According to the petitioner, the first respondent Board had implemented the judgment in its memo dated 19.4.1997 and had appointed certain other persons vide proceedings

dated 26.9.1997. The petitioner claims that he is similarly situated and to be entitled for appointment in the service of the Board in terms of the Board memo dated 19.4.1997 following the judgment rendered by the Division Bench.

A counter affidavit is filed on behalf of the respondents wherein it is stated that the petitioner is an apprentice trainee sponsored by the Director of Training Apprenticeship, Hyderabad, and for being permitted to undergo Technician apprentice practical training one is required to possess a diploma in Engineering, and that the petitioner was engaged as a technician apprentice vide memo dated 29.12.1993 for a period of one year subject to the following conditions:

1. That he would be governed by the provisions of the Apprenticeship Act 1973 and the amendments made thereto from time to time.
2. It shall not be obligatory on the part of the APSE Board to appoint the Technician Apprentice Trainee in the Board after completion of Training.
3. For all purposes, the Technician Apprentice Trainee shall be treated as a Trainee and not be regarded as an employee of the Board.

According to the respondents, the petitioner joined as Technician Apprentice Trainee on 25.2.1994 and was relieved on 17.1.1995 after completion of the training period and that he was paid Rs. 800/- per month as stipend during that period, which amount was to be reimbursed by the Director Training Apprenticeship, Hyderabad. Respondents would content that the petitioner is not eligible for being

appointed as a Sub-Engineer in APSEB.

The Division Bench of this Court, in Writ Petition No. 6415 of 1998 dated 30.7.1996, following the judgment of the Supreme Court in U.P.S.R.T.CORPORATION VS. UP. PARIVHAN N.S.B SANGH[1], held that there is no statutory inhibition against giving preference to apprentices for appointment to the posts of Helper/Linemen/Welder without requiring their names to be sponsored by the Employment Exchange, in the vacancies that arise hereafter, if they are otherwise qualified and that their cases should be considered along with other eligible apprentices as per the guidelines given by the Supreme Court in the U.P.S.R.T CORPORATION VS. U.P. PARIVHAN N.S.B SINGH (cited supra).

This Writ Petition is also disposed of in terms of the aforesaid judgment of the Division Bench and the respondents herein are directed to consider the case of the petitioner for appointment to any suitable post, if he is found eligible and if he possesses the requisite qualification for appointment to such posts. The case of the petitioner shall be considered along with other eligible candidates as and when available vacancies are sought to be filled up by the respondents herein.

The Writ Petition is disposed of accordingly. No order as to costs.

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RAMESH RANGANATHAN , J

Dated: 17.4.2007

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[1] AIR 1995 S.C. 1115